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10 NO LABELS

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13

14 RAE STEWARD,
15 Plaintiff,
16 vs.
17 NO LABELS,
18 Defendant.

Case No. 24-misc-80209-SVK

**DECLARATION OF AARON M.
BRIAN IN SUPPORT OF NO LABELS'
OPPOSITION TO RAE STEWARD'S
MOTION TO QUASH OR FOR
PROTECTIVE ORDER**

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20
21 I, Aaron M. Brian, declare that the following is true and correct to the best of my knowledge,
22 information, and belief:

- 23 1. I am over the age of 18 and I make this affidavit based on personal knowledge.
24 2. I am an attorney with the law firm Nixon Peabody LLP, 300 South Grand Avenue,
25 Suite 4100, Los Angeles, CA 90071 representing Defendant No Labels ("No Labels" or
26 "Defendant").
27
28

4886-1071-1264.1

1 3. I make this declaration in support of No Labels' Opposition to Rae Steward's
2 Motion to Quash or for Protective Order based on my information, knowledge and belief and the
3 records in this matter.

4 4. The subpoena and motion to quash emanate from a case pending in the U.S. District
5 Court for the District of Delaware titled *No Labels v. Nolabels.com Inc.*, and with case number 1:23-
6 cv-01384 ("Underlying Action").

7 5. Attached as **Exhibit A** is a true and correct of Washington Post Article dated June
8 14, 2023.

9 6. Attached as **Exhibit B** is a true and correct copy of the May 7, 2023 email between
10 Lucy Caldwell and Dmitri Mehlhorn. This document was produced by Lucy Caldwell in the
11 Underlying Action, bates labeled CALDWELL-R_000425-427, and designated Confidential.

12 7. Attached as **Exhibit C** is a true and correct copy of the December 19, 2023 email
13 from Dmitri Mehlhorn to Jennifer Frost and Lucy Caldwell. This document was produced by Lucy
14 Caldwell in the Underlying Action, bates labeled CALDWELL-R_004623-4624. Although
15 initially designated Confidential, the attorney for Caldwell has agreed to withdraw that designation.

16 8. Attached as **Exhibit D** is a true and correct copy of the Subpoena issued to Rae
17 Steward un the Underlying Action.

18 9. Attached as **Exhibit E** is a true and correct copy of counsel's email chain from July
19 10, 2023-August 13, 2023 including their meet and confer discussions on the scope of the
20 subpoenas.

21 10. Attached as **Exhibit F** is a true and correct copy of the Declaration of Jerald S.
22 Howe, Jr. in the Underlying Action, along with various exhibits attached thereto.

23 11. Attached as **Exhibit G** is a true and correct copy of the Complaint filed in the
24 Underlying Action (ECF 1).

25 12. Attached as **Exhibit H** is a true and correct copy of the Temporary Restraining Order
26 entered in the Underlying Action (ECF 26).

27 13. Attached as **Exhibit I** is a true and correct copy of the February 22, 2024 Preliminary
28 Injunction Order entered in the Underlying Action (ECF 79).

4886-1071-1264.1

1 14. Attached as **Exhibit J** is a true and correct copy of the December 9, 2023 email from
2 Rae Steward to Lucy Caldwell, Christina Sabella, Rae Steward, Dmitri Mehlhorn and Matt Bennett
3 re: “Invitation for a 12/14 meeting to stop No Labels.” Rae Steward signed the email as “Chief
4 Operating Officer” for Investing in US. This document was produced by Lucy Caldwell in the
5 Underlying Action, bates labeled CALDWELL-R_004313-4314. Although initially designated
6 Confidential, the attorney for Caldwell has agreed to withdraw that designation.

7 15. Attached as **Exhibit K** is a true and correct copy of Rae Steward’s LinkedIn profile,
8 where she describes herself as Managing Partner at Investing in U.S.

9 16. Attached as **Exhibit L** is a true and correct copy of transcript excerpts from the
10 March 28, 2024 deposition testimony of Lucy Caldwell in the Underlying Action. Although
11 initially designated “Attorney Eyes Only”, counsel for Caldwell agreed to de-designate the portions
12 cited in the Opposition. Some testimony on the attached pages was not cited in the Opposition,
13 those portions have been redacted.

14 17. Attached as **Exhibit M** is a true and correct copy of transcript excerpts from the
15 January 30, 2024 deposition testimony of Charles Anthony Siler in the Underlying Action.
16 Although some portions were initially designated “Confidential”, counsel for Siler agreed to de-
17 designate the portions cited in the Opposition. Some testimony on the attached pages was not cited
18 in the Opposition, those portions have been redacted.

19 18. Attached as **Exhibit N** is a true and correct copy of the pitchdeck prepared by
20 Charles Siler (bates label no. NoLables.com 000254-000267). Although this document was
21 designated Confidential, initially, it was disclosed and discussed at a public hearing in the
22 Underlying Action and is no longer Confidential nor subject to the Protective Order.

23 19. Attached as **Exhibit O** is a true and correct copy of the May 3, 2023 email from
24 Dmitri Mehlhorn to Lucy Caldwell, and attachment thereto. This email, and the attachment, were
25 produced by Lucy Caldwell in the Underlying Action, bates labeled CALDWELL-R_000300 and
26 CALDWELL-R_301-303. Although initially designated Confidential, the attorney for Caldwell
27 has agreed to withdraw that designation.
28

CERTIFICATE OF SERVICE

I, the undersigned, hereby certifies that on September 3, 2024, I caused copies of the foregoing document to be served on the following counsel of record in the manner indicated below:

BY EMAIL

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